©
GOVERNMENT OF KERALA
1968

Reg. No. K. 107

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XIII] Trivandrum, Wednesday, 10th January 1968 / 20th Pousa 1889 [No. 4

KERALA LEGISLATURE SECRETARIAT

NOTIFICATION

No. 222-LA4|68. *Dated, Trivandrum, 10th January 1968.*

The following Bill together with the Statement of Objects and Reasons, and the Memorandum regarding Delegated Legislation is published, under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

V. P. N. Nambudiri,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1968

(L. A. Bill No. 2 of 1968)

THE KERALA STATE AID TO INDUSTRIES (AMENDMENT) BILL, 1968

A

BILL

to amend the Kerala State Aid to Industries Act, 1963.

Preamble.—WHEREAS it is expedient to amend the Kerala State Aid to Industries Act, 1963, for the purpose hereinafter appearing;

BE it enacted in the Eighteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala State Aid to Industries (Amendment) Act, 1968.

2. *Insertion of new section 3A.*—After section 3 of the Kerala State Aid to Industries Act, 1963 (34 of 1963), the following section shall be inserted, namely:—

"3A. *Reconstitution of Board.*—(1) The Government may, by notification in the Gazette and for reasons to be specified in the notification, reconstitute the Board in accordance with the provisions of section 3.

(2) When the Board is reconstituted under the provisions of sub-section (1), all members of the Board holding office immediately before such reconstitution shall, from the date of reconstitution, vacate their offices as such members, notwithstanding that their term of office has not expired, unless they are members of the Board as so reconstituted.

STATEMENT OF OBJECTS AND REASONS

In Notification No. 19656|B3|66|ID. dated 16-7-1966 the Government constituted the Kerala State Aid to Industries Board with nine members. The remaining three places to be filled by members of the Legislative Assembly were kept vacant, as there was no Legislative Assembly at that time. Since the Legislative Assembly has now been formed, Government consider that the Board should be reconstituted with all the members stipulated under section 3 of the Act. But, there is no provision in the Kerala State Aid to Industries Act for the reconstitution of the Board before the expiry of the term of office of the members. Government consider that they should have power to reconstitute the Board at any time for sufficient reasons.

The Bill is intended to achieve the above object.

MEMORANDUM REGARDING DELEGATED LEGISLATION

New section 3A proposed to be inserted by clause 2 of the Bill empowers the Government to reconstitute the State Aid to Industries Board by notification in the Gazette. The reasons for reconstituting the Board have to be specified in the notification. The delegation is of a normal character.

T. V. THOMAS

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GOVERNMENT OF KERALA

FOOD DEPARTMENT

THE KERALA KEROSENE CONTROL ORDER, 1968

No. 9138|C2|66-30|FdD. *Dated, Trivandrum, 10th January 1968.*

Whereas the Government of Kerala are of opinion that it is necessary and expedient so to do for maintaining the supply of kerosene and for securing its equitable distribution and availability at fair prices;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Essential Commodities Act, 1955 (Central Act 10 of 1955) read with Order S. O. 3524 dated the 13th November, 1962 issued by the Government of India in the Late Ministry of Mines and Fuel and published in the Gazette of India, and with the prior concurrence of the Central Government; conveyed in their letter No. 31-12-1967-10C dated 5th January 1968 the Government of Kerala hereby make the following Order, namely:—

ORDER

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Order may be called the Kerala Kerosene Control Order, 1968.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint and different dates may be appointed for different areas.

2. *Definitions.*—In this Order, unless the context otherwise requires,—

(a) "Commissioner" means the Commissioner of Civil Supplies and includes the Director of Civil Supplies;

(b) "Controller" means the Controller of Rationing;

(c) "dealer" means a person dealing in the purchase, sale or distribution of kerosene;

(d) "District Supply Officer" includes the Chief City Rationing Officer;

(e) "Form" means a form appended to this order;

(f) "kerosene" shall have the meaning assigned to it in item No. 7 of the First Schedule to the Central Excises and Salt Act, 1944 (Central Act 1 of 1944) and shall not include Aviation Turbine Fuel;

(g) "Oil Companies" means the Burmah Shell Oil Storage and Distribution Company of India, Limited, Caltex (India) Ltd., the Esso Standard Eastern inc., and the Indian Oil Corporation;

(h) "primary wholesale dealer" means an agent of any of the Oil Companies who is engaged in the distribution of kerosene to dealers in kerosene who resell it;

(i) "retail dealer" means a dealer who sells kerosene to consumers and who is not a wholesale dealer;

(j) "secondary wholesale dealer" means a dealer who buys kerosene to re-sell it to dealers or to institutions or persons approved by the District Collector;

(k) "Taluk Supply Officer" includes the City Rationing Officer;

(l) "wholesale dealer" means a primary wholesale dealer or a secondary wholesale dealer.

WHOLESALE TRADE IN KEROSENE

3. *Restrictions in wholesale trade.*—(1) On and after the date on which this Order comes into froce in any area, no person shall carry on business in kerosene as a whole sale dealer in such area except under and in accordance with the terms and conditions of a licence granted in that behalf by the District Collector:

Provided that licences granted to wholesale dealers under the Kerala Kerosene Control Order, 1965 shall be deemed to have been granted under this Order.

(2) Nothing containd in sub-clause (1) shall apply to the Oil Companies.

4. *Grant of Licence.*—(1) Any person who desires to carry on business in kerosene as a wholesale dealer may apply to the District Collector for a licence in that behalf.

(2) The District Collector may either grant the licence or after giving the applicant an opportunity of stating his case and for reasons to be recorded in writing, refuse to grant the licence.

(3) Any person aggrieved by an Order of the District Collector refusing to grant a licence may appeal to the Commissioner within thirty days from the date of communication of such order; and the decision of the Commissioner on such appeal shall, subject to the provisions of clause 18, be final.

5. *Form of application and licence fees.*—(1) Every application for a licence for the business of a wholesale dealer or for the renewal thereof shall be in Form 'A'.

(2) Every licence issued or renewed under this clause shall be in Form 'B'.

(3) The fees chargeable in respect of each licence shall be as specified below, namely—

(i) For issue of licence	..	Rs. 10
(ii) For renewal of a licence	..	Rs. 10
(iii) For issue of a duplicate licence	..	Rs. 20

(4) Every licence issued under this clause shall be valid for a period ending the 31st day of March of the financial year in which it is issued and may be renewed for a further period of one year at a time.

(5) Every wholesale dealer shall execute an agreement with the District Supply Officer in Form 'C' and shall remit the amount prescribed by Government as security.

6. *Cancellation, suspension and modification of Licence and Appeals.*—(1) The Commissioner, District Collector or any other Officer authorised by the Commissioner may, after giving the wholesale dealer an opportunity of stating his case and for reasons to be recorded in writing—

(a) modify, suspend or cancel any licence granted under this Order either for any breach of the terms and conditions of the licence or for any other good and sufficient reason;

(b) order the realisation of the value of kerosene found as shortage; and

(c) order the forfeiture of the whole or any part of the amount remitted by the wholesale dealer as security under sub-clause (5) of clause 5.

(2) Any wholesale dealer aggrieved by any Order passed under this clause may, within 30 days from the date of communication of such order appeal—

(i) in the case of an order passed by the Commissioner, to the Government;

(ii) in the case of an order passed by the District Collector, to the Commissioner;

(iii) in the case of an order passed by the Officer authorised by the Commissioner, to such authority as the Government may specify in this behalf;

and the decision of the Government, the Commissioner, the District Collector or such authority, as the case may be, shall, subject to the provisions of clause 18, be final.

7. *Wholesale dealer to comply with directions.*—A wholesale dealer shall comply with all directions that may be issued from time to time generally to all wholesale dealers or to him in particular by the Commissioner, District Collector, Controller, Deputy Collector of Rationing, District Supply Officer or Taluk Supply Officer in regard to the purchase, sale, storage or distribution of kerosene.

8. *Restrictions on sale.*—No wholesale dealer shall sell kerosene except to another wholesale dealer or retail dealer licensed under this Order or to any institution or person to whom a permit has been issued by the District Collector, the District Supply Officer or the Taluk Supply Officer and such sales shall be in such quantities and at such intervals as the District Collector or the District Supply Officer or the Taluk Supply Officer may direct, having regard to the requirement of the area and any other relevant factor and the overall stock of kerosene available for sale and distribution.

RETAIL TRADE IN KEROSENE

9. *Restriction in retail trade.*—(1) On and after the date on which this Order comes into force in any area, no person shall carry on business in kerosene as a retail dealer in such area except under and in accordance with the terms and conditions of a licence granted in that behalf by the District Supply Officer:

Provided that licences granted to retail dealers under the Kerala Kerosene Control Order, 1965 shall be deemed to have been granted under this Order.

(2) Nothing contained in sub-clause (1) shall apply to the Oil Companies in continuing their supplies direct to Government institutions and other consumers such as Railway Administration and the Military Authorities, subject to such directions as may be issued from time to time by the Government, the Commissioner or the District Collector.

10. *Grant of Licence.*—(1) Any person who desires to carry on business in Kerosene as a retail dealer may apply to the District Supply Officer for a licence in that behalf.

(2) The District Supply Officer may either grant the licence or after giving the applicant an opportunity of stating his case and for reasons to be recorded in writing, refuse to grant a licence.

(3) Any person aggrieved by an order of the District Supply Officer refusing to grant a licence may appeal to the District Collector within thirty days from the date of communication of such order; and the decision of the District Collector on such appeal shall, subject to the provisions of clause 18, be final.

11. *Form of Application and Licence Fees.*—(1) Every application for a licence for the business of a retail dealer or the renewal thereof shall be in Form 'D'.

(2) Every licence issued or renewed shall be in Form 'E'.

(3) The fees chargeable in respect of each licence, shall be as specified below; namely,

(i) For issue of a licence	Rs. 5
(ii) For renewal of a licence	Rs. 5
(iii) For issue of a duplicate licence	Rs. 10

(4) Every licence issued under this clause shall be valid for a period ending the 31st day of March of the financial year in which it is issued and may be renewed for a further period of one year at a time.

(5) Every retail dealer shall execute an agreement with the Taluk Supply Officer in Form 'F', and shall remit the amount prescribed by the Government as security.

12. *Cancellation, Suspension and Modification of Licence and Appeals.*—(1) The Commissioner, the District Collector, the District Supply Officer or any other Officer authorised by the Commissioner in this behalf may, after giving the retail dealer an opportunity of stating his case and for reasons to be recorded in writing,—

(a) modify, suspend, or cancel any licence granted under this Order either for any breach of the terms and conditions of the licence or for any other good and sufficient reason;

(b) order the realisation of the value of kerosene found as shortage; and

(c) order the forfeiture of the whole or any part of the amount remitted by the retail dealer as security under sub-clause (5) of clause 11.

(2) Any retail dealer aggrieved by an order passed under this clause may, within thirty days from the date of communication of such order appeal,—

(i) in the case of an order passed by the Commissioner, to the Government;

(ii) in the case of an order passed by the District Collector, to the Commissioner;

(iii) in the case of an order passed by the District Supply Officer, to the District Collector; and

(iv) in the case of an order passed by the Officer authorised by the Commissioner, to such authority as the Government may specify in this behalf;

and the decision of the Government, the Commissioner, the District Collector or such authority, as the case may be, shall, subject to the provisions of clause 18, be final.

13. *Retail Dealer to comply with Directions.*—A retail dealer shall comply with all directions that may be issued from time to time generally to all retail dealers or to him in particular by the Commissioner, District Collector, Controller, Deputy Controller of Rationing, District Supply Officer or Taluk Supply Officer in regard to the purchase, sale, storage or distribution of kerosene.

14. *Fixing the Quantity of kerosene to be sold.*—Government or the Commisioner may from time to time issue directions fixing the quantity of kerosene that may be sold at one time by a retail dealer to any person or institution having regard to the overall stock of kerosene available for sale and distribution and any other relevant factor.

15. *Retail dealer to possess measuring units.*—Every retail dealer shall have in his possession ready for use in his business at least one measure whose capacity in litres is marked clearly upon it and which is of such capacity as to enable the dealer to measure out readily the quantities commonly asked for by the public, namely, one bottle, half-a-bottle or quarter of a bottle.

Explanation.—For the purposes of this clause, a bottle shall mean a bottle with the capacity of one litre.

GENERAL

16. *No person to stock or possess more than one tin of oil.*—No person other than an Oil Company or a dealer licensed under this Order shall have in his possession or control a stock exceeding one tin (18.5 litres) of kerosene at a time:

Provided that this clause shall not apply to institutions or special classes of consumers to whom permits are issued by the Commissioner or the District Collector or the District Supply Officer to

buy kerosene in tins or to consumers such as the Railway Administration, or the Military Authorities, who have been allowed to buy kerosene direct from the Oil Companies.

17. *Inspection, search and seizure.*—(1) The Commissioner, the District Collector, the Controller or any Officer of the Civil Supplies Department not below the rank of an Assistant Taluk Supply Officer and any Police Officer not below the rank of a Sub Inspector may, enter upon and inspect or search any premises, building, tent, vehicle or vessel in which he has reason to believe that a contravention of the provisions of this Order has been, is being, or is about to be committed and seize the kerosene in respect of which any of the said authorities has reason to believe that any provision of this Order has been, or is being, or is about to be, contravened, along with the packages, coverings or receptacles in which such kerosene is found, or the animals, vehicles, vessels or other conveyances used, or about to be used, for such contravention and thereafter take, or authorise the taking of, all measures necessary for securing the production of the packages, coverings, receptacles, animals, vehicles, vessels or other conveyances so seized in Court and for their safe custody pending such production.

(2) The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898 relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

18. *Power to call for Records and Issue Order.*—The Government or the Commissioner may call for and examine the records of any order passed by any subordinate authority under the provisions of this Order for the purpose of satisfying themselves or himself as to the legality or to the propriety of such order and may pass such order in reference thereto as the Government or the Commissioner may deem fit:

Provided that no order to the disadvantage of any person shall be passed under this clause unless the person concerned is given an opportunity of making any representation, which he may wish to make against such order.

By order of the Governor,
M. ABDUSSALAM,
Secretary to Government
(Food).

FORM A

Form of application for licence|renewal of licence as a Wholesale Dealer in Kerosene.

[*See* Clause 5(1) of the Kerala Kerosene Control Order, 1968]

1. Applicant's name and address.
2. Applicant's place of business.
3. Whether the applicant has been trading in kerosene and if so, for what period.
4. Whether the application is for
   (a) a new licence or
   (b) renewal of licence. (If for (b), No. and date of existing licence.)
5. Quantity of kerosene handled annually by the applicant during the years 1963, 1964 and January to September, 1965 (quantity to be specified in kilolitres).
6. Number and date of the chalan and name of the treasury into which the licence fee of Rs. 10 has been remitted (attach the chalan in original).
7. Details of places where kerosene is proposed to be stored.
8. Whether the applicant is functioning as wholesale agent of any Importing Oil Company. If so, state the number and date of authorisation of the Importing Oil Company and the date on which the first consignment was received from the Importing Oil Company.

I declare that the following quantities of kerosene are in my possession this day, and are held at the places noted against them:—

Name of place.
Stocks.
Variety.
Quantity (in kilolitres).

I certify that to the best of my knowledge the particulars given in this application are true and correct. I also agree to comply with all directions issued by the Government, the District Collector or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer from time to time in regard to the purchase, sale, storage or distribution of kerosene.

Signature of the applicant.

To

The District Collector,

....

Note. If the application is for renewal of licence, item No. 5 need not be filled up.

FORM B

THE KERALA KEROSENE CONTROL ORDER, 1968

Licence granted to a Wholesale dealer.
[*See* Clause 5(2)]

Subject to the provisions of the Kerala Kerosene Control Order, 1968 and to the terms and conditions of this licence,.............................. is|are hereby authorised to deal wholesale in kerosene.

2. The licensee shall carry on the aforesaid business at the following place:—
....

Note. Where the same person carries on business in more than one place, a separate licence should be obtained in respect of each such place and the registers and returns referred to in paragraphs 4 and 5, following shall be maintained and submitted separately for each such place.

3. The licensee shall not store kerosene in any place other than that specified in paragraph 2 above, except with the approval of the District Collector.

4. The licensee shall maintain a register of daily accounts showing correctly all transactions of kerosene in his possession. It shall show—

(a) the opening stock on each day;
(b) the quantities and the brands of kerosene received on each day showing the names of the suppliers;
(c) the quantities sold, delivered, or otherwise disposed of on each day showing the places of destination and the names of the consignees;
(d) the closing stock on each day.

5. The licensee shall submit to the District Collector so as to reach him not later than every Monday a true and correct return in the prescribed form, of the stocks, receipts, deliveries and balance during the week ended on the previous Sunday.

6. The licensee shal exhibit in a prominent position at his place of business a statement showing the following particulars in Malayalam.

STATEMENT

(1) Name of Oil.
(2) Selling price.
(3) Opening stock on..................(date).

7. The licensee shall not sell kerosene at a price which is in excess of the price fixed under the Kerosene (Fixation of Ceiling Prices) Order, 1966 issued by the Ministry of Petroleum & Chemicals (Department of Petroleum) of the Government of India.

8. The licensee shall issue to every customer a correct receipt giving the name, the licence number, the date of the transaction, the quantity sold, the rate at which sold and the total amount charged, and shall keep a duplicate of the same to be made available for inspection on demand by any officer authorised by the District Collector.

9. The licensee shall give all facilities at all reasonable hours to the District Collector or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer for the inspection of the accounts and stocks whereso-ever they may be kept and for taking samples of kerosene for examination.

10. The licensee shall comply with any directions that may be issued from time to time generally to all wholesale dealers or to him in particular by the District Collector or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer in regard to the purchase, sale or storage of sale or distribution of kerosene.

11. The licensee shall not have in his possession or under his control any kerosene in excess of the net quantity revealed by his accounts.

12. Contravention of any of the conditions of this licence, whether by the licensee or his agent or servant or by any person who can reasonably be presumed to have been acting on his behalf will render the licence liable to cancellation, suspension or modification. The licensee shall also be liable for realisation of the value of kerosene found as shortage and forfeiture of the whole or any part of the amount remitted by him as security. From every order of cancellation, suspension or modification of the licence or realisation of value of kerosene found as shortage or forfeiture of security, an appeal shall lie, within 30 days from the date of communication of such order, (i) in the care of an order passed by the Commissioner to the Government, (ii) in the case of an order passed by the District Collector, to the Commissioner, and (iii) in the case of an order passed by the officer authorised by the Commissioner to such authority as the Government may specify in this behalf and the decision of the Government, the Commissioner, the District Collector, or such authority as the case may be, on such appeal shall subject to the provisions of clause 18 of the Kerala Kerosene Control Order, 1968, be final.

13. The licensee shall not sell any kerosene except to another wholesale dealer or to a retail dealer licensed under the Kerala Kerosene Control Order, 1968 or to any institution or person to whom a permit has been issued by the District Collector, District Supply Officer or Taluk Supply Officer. Such sales shall be in quantities and at such intervals as the District Collector, the D.S.O. or T.S.O. may by general or special order direct.

14. The licensee shall execute an agreement with the District Supply Officer in the prescribed form and shall remit the amount prescribed by Government as security.

Place.

Date.

District Collector.

FORM C

[*See* clause 5(5)]

Agreement to be executed by Wholesale Dealer under the Kerala Kerosene Control Order, 1968.

THIS AGREEMENE IS executed on this the..........day of.......................... One thousand nine hundred and sixty.........BETWEEN the Governor of Kerala (hereinafter referred to as "the Government") of the one part and Shri...............................(H.E. the name and address of the Wholesale dealer), (hereinafter referred to as "the Bounden") of the other part;

WHEREAS at the request of the Bounden the Government have appointed the Bounden as the wholesale dealer for the purchase, storage, sale and distribution of kerosene under the Kerala Kerosene Control Order, 1968.

NOW THESE PRESENTS WITNESS AND IT IS HEREBY MUTUALLY AGREED as follows:—

1. The Beunden shall abide by all the terms and conditions contained in the Schedule hereto appended.

2. The Bounden has deposited in the..............as per.................. a sum of Rs......................by way of security for the due fulfilment of the terms and conditions herein contained and in the Schedule hereto appended.

3. In case the Bounden commits breach of all or any of the provisions herein contained or those contained in the Schedule, the Government, the District Collector or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer shall have power and authority to cancel this agreement, to forfeit the security deposit mentioned in clause 2 and also to recover the amount if any, found due to the Government in the manner hereinafter mentioned.

4. All sums found due to the Government under or by virtue of this agreement shall be recoverable from the Bounden and his properties, movable and immovable under the provisions of the Revenue Recovery Act for the time being in force as though such sums are arrears of land revenue and in such other manner as the Government may deem fit.

IN WITNESS WHEREOF Shri.............................. (H.E. name and designation)............................for and on behalf of the Governor of Kerala and Shri...........................the Bounden have hereunto set their hands the day and year first above written.

SCHEDULE

1. The Bounden shall carry on the aforesaid business at the following place|places:—

House No.
Ward.
Municipality|Corporation|Panchayat.
Name of place.

2. The Bounden shall not store kerosene in any place other than that specified in paragraph 1 above, except with the approval of the District Collector.

3. The Bounden shall maintain a register of daily accounts showing correctly all transactions of kerosene in his possession. It shall show—

(a) the opening stock on each day;

(b) the quantities and the brands of kerosene, received on each day showing the names of the suppliers;

(c) the quantities sold, delivered, or otherwise disposed of on each day showing the places of destination and the names of the consignees;

(d) the closing stock on each day.

4. The Bounden shall submit to the District Collector so as to reach him not later than every Monday, a true and correct return in the prescribed form of the stocks, receipts, deliveries and balance during the week ended on the previous Sunday.

5. The Bounden shall exhibit in a prominent position at his place of business a statement showing the following particulars in Malayalam.

STATEMENT

1. Name of Oil
2. Selling Price
3. Opening stock on................ (date)

6. The wholesale dealer shall not sell kerosene at a price which is in excess of the price fixed under the Kerosene (Fixation of Ceiling Prices) Order, 1966.

7. The Bounden shall issue to every customer a correct receipt giving the name, the licence number, the date of the transaction, the quantity sold, the rate at which sold, and the total amount charged, and shall keep a duplicate of the same to be made available for inspection on demand by any officer authorised by the District Collector.

8. The Bounden shall give all facilities at all reasonable hours to the District Collector or any Officer of the Civil Supplies Department not below the rank of Taluk Supply Officer for the inspection of the accounts and stocks wheresoever they may be kept and for taking samples of kerosene for examination.

9. The Bounden shall comply with any directions that may be issued from time to time generally to all wholesale dealers or to him in particular

by the District Collector or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer in regard to the purchase, sale or storage for sale or distribution of kerosene

10. The Bounden shall not have in his possession or under his control any kerosene in excess of the net quantity revealed by his accounts.

11. Contravention of any of the conditions of the licence granted to him under the Kerala Kerosene Control Order, 1968 whether by the Bounden or his agent or servant or by any person who can reasonably be presumed to have been acting on his behalf will render the licence liable to cancellation, suspension or modification. An appeal shall lie, within 30 days from the date of communication of such order: (i) in the case of an order passed by the Commissioner, to the Government, (ii) in the case of an order passed by the District Collector to the Commissioner, and (iii) in the case of an order passed by the officer authorised by the Commissioner, to such authority as the Government may specify in this behalf, and the decision of the Government, the Commissioner, the District Collector or such authority as the case may be, on such appeal shall subject to the provisions of clause 18 of the Kerala Kerosene Control Order, 1968, be final.

12. When the licence granted to the Bounden is cancelled or suspended, the stocks of kerosene available with him at the time of such cancellation or suspension shall be disposed of in accordance with the directions of the officer ordering such cancellation or suspension.

13. The Bounden shall not sell any kerosene except to another wholesale dealer or to a retail dealer licensed under the Kerala Kerosene Control Order, 1968, or to any institution or person to whom a permit is issued by the District Collector, the District Supply Officer or the Taluk Supply Officer. Such sales shall be in quantities and at such intervals as the District Collector, the District Supply Officer or the Taluk Supply Officer, as the case may be, may by general or special order direct.

14. If the Bounden desires to get the licence revoked on his own accord, one month's notice should be given to the District Collector, and his permission in writing should be obtained.

Signed by Shri.............................

In the presence of witnesses:

(1)

(2)

Signed by Shri.............................

In the presence of witnesses:

(1)

FORM D

Form of application for licence/renewal of licence as a Retail Dealer in Kerosene

[*See* clauase 11(1) of the Kerala Kerosene Control Order, 1968]

1. Applicant's name and address.
2. Applicant's place of business.
3. Whether the applicant has been trading in kerosene and if so for what period.
4. Whether application is for
   (a) new licence or
   (b) renewal of licence. [If for (b) No. and date of existing licence.]
5. Whether the applicant is a retail dealer under the Scheme of Rationing: if so furnish authorisation number and date.
6. No. and date of the chalan and name of the treasury into which the licence fee of Rs. 5 has been remitted. (Attach the chalan in original).
7. Details of places where kerosene is proposed to be stored.

I declare that the following quantities of kerosene are in my possession this day, and are held at the places noted against them:—

Name of place

Stocks

Variety

Quantity (in litres).

I certify that to the best of my knowledge the particulars given in this application are true and correct. I also agree to comply with all directions issued by the Government, the District Collector or any officer of the Civil Supplies Department not below the rank of Rationing Inspector from time to time in regard to the purchase or the sale or the storage of kerosene.

Signature of the applicant.

To

The District Supply Officer.

....

FORM E

THE KERALA KEROSENE CONTROL ORDER, 1968

Licence granted to a retail dealer

[See clause 11(2)]

Subject to the provisions of the Kerala Kerosene Control Order, 1968 and to the terms and conditions of this licence.................................. is|are hereby authorised to deal retail in kerosene.

2. The licensee shall carry on the aforesaid business at the following place:—

....

....

Note:—Where the same person carries on business in more than one place, a separate licence should be obtained in respect of each such place and the registers and returns referred to in paragraphs 4 and 5, following shall be maintained and submitted separately for each such place.

3. The licensee shall not store kerosene in any place other than that specified in paragraph 2 above, except with the approval of the District Supply Officer.

4. The licensee shall maintain a register of daily accounts showing correctly all transactions of kerosene in his possession. It shall show—

(a) the opening stock on each day;

(b) the quantity and the brands of kerosene received on each day showing the names of the suppliers;

(c) the quantities sold, delivered, or otherwise disposed of on each day showing the names of the consumers;

(d) the closing stock on each day.

5. The licensee shall submit to the Taluk Supply Officer, so as to reach him not later than every Monday, a true and correct return in the prescribed form of the stocks, receipts, deliveries and balance during the week ended on the previous Sunday.

6. The licensee shall exhibit in a prominent position at his place of business a statement showing the following particulars in Malayalam.

STATEMENT

1. Name of Oil
2. Price per litre
3. Opening stock on...............(date)

7. The licensee shall not sell kerosene at a price which is in excess of the price fixed under the Kerosene (Fixation of Ceiling Prices) Order, 1966 issued by the Ministry of Petroleum & Chemicals (Department of Petroleum) of the Government of India.

8. The licensee shall issue to every consumer a receipt giving the name, the licence number, the date of the transaction, the quantity sold, the rate at which sold, and the total amount charged, and shall keep a duplicate of the same to be available for inspection on demand by any officer authorised by the District Supply Officer.

9. The licensee shall give all facilities at all reasonable hours to the District Collector or any officer of the Civil Supplies Department not below the rank of Rationing Inspector for the inspection of the accounts and stocks wheresoever they may be kept and for taking samples of kerosene for examination.

10. The licensee shall comply with all directions that may be issued from time to time generally to all retail dealers or to him in particular by the District Collector, Controller, the District Supply Officer or Taluk Supply Officer in regard to the purchase, sale or storage for sale or distribution of kerosene.

11. The licensee shall not have in his possession or under his control any kerosene in excess of the net quantity revealed by his accounts.

12. Contravention of any of the conditions of this licence whether by the licensee or his agent or servant or by any person who can reasonably be presumed to have been acting on his behalf will render the licence liable to cancellation, suspension or modification. The lecensee will also be liable for realisation of the value of kerosene found as shortage and forfeiture of the whole or any part of the amount remitted by the retail dealer as security. From any order of cancellation, suspension or modification of the licence or realisation of the value of kerosene found as shortage or forfeiture of security an appeal shall lie, within 30 days from the date of communication of such order, (i) in the case of an order passed by the Commissioner to the Government, (ii) in the case of an order passed by the District Collector to the Commissioner and (iii) in the case of an order passed by the District Supply Officer to the District Collector, and (iv) in the case of an order passed by the officer authorised by the Commissioner, to such authority as the Government may specify in this behalf and the decision of the Government or the Commissioner or the District Collector or such authority as the case may be, on such appeal shall subject to the provisions of clause 18 of the Kerala Kerosene Control Order, 1968, be final.

13 The licensee shall not sell any kerosene except to a person or to an institution holding a valid authority issued by the District Supply Officer or Taluk Supply Officer.

14. The licensee shall not sell kerosene in quantities exceeding the limit for sale to each person or institution, as prescribed from time to time.

15. The licensee shall have in his possession ready for use in his business at least one measure whose capacity in litres is marked clearly upon it and which is of such capacity as to enable the dealer to measure out readily the quantities commonly asked for by the public, namely one bottle, half-a-bottle or quater-of-a-bottle. For the purposes of this clause, a bottle means a bottle with the capacity of one litre.

16. The licensee shall execute an agreement with the Taluk Supply Officer in the prescribed form and shall remit the amount prescribed by the Government as security.

Place.

Date.

District Supply Officer.

FORM F

[See clause 11(5)]

Agreement to be executed by retail dealer under clause 11(5) of the Kerala Kerosene Control Order, 1968.

THIS AGREEMENT IS EXECUTED on the........................day of..................One thousand nine hundred and sixty.................... BETWEEN the Governor of Kerala (hereinafter referred to as "the Government") of the one part and Shri..............(H.E. the name and address of the retail dealer), hereinafter referred to as "the Bounden") of the other part;

WHEREAS at the request of the Bounden the Government have appointed the Bounden as the retail dealer for the purchase, storage, sale and distribution of Kerosene under the Kerala Kerosene Control Order, 1968.

NOW THESE PRESENTS WITNESS AND IT IS HEREBY MUTUALLY AGREED as follows:—

1. The Bounden shall abide by all the terms and conditions contained herein and in the Schedule hereto appended.

2. The Bounden has deposited in the...................as per.............. a sum of Rs...........by way of security for the due fulfilment of the terms and conditions herein contained and in the Schedule hereto appended.

3. In case the Bounden commits breach of all or any of the provisions herein contained or those contained in the Schedule, the Government, Collector or any officer of the Civil Supplies Department not below the rank of Taluk Supply Officer, as the case may be, shall have power and authority to cancel this agreement, to forfeit the security deposit mentioned in clause 2 and also to recover the amount if any, found due to the Government in the manner hereinafter mentioned.

4. All sums found due to the Government under or by virtue of this agreement shall be recoverable from the Bounden and his properties, movable and immovable, under the provisions of the Revenue Recovery Act for the time being in force as though such sums are arrears of land revenue and in such other manner as the Government may deem fit.

IN WITNESS WHEREOF Shri...........................(H. E. name and designation)..............for and on behalf of the Governor of Kerala and Shri......................the Bounden have hereunto set their hands the day and year first above written.

SCHEDULE

1. The Bounden shall carry on the aforesaid business at the following place|places:—

House No.

Ward.

Municipality|Corporation|Panchayat.

Name of place.

2. The Bounden shall not store kerosene in any place other than that specified in paragraph 1 above, except with the approval of the District Supply Officer.

3. The Bounden shall maintain a register of daily accounts showing correctly all transactions of kerosene in his possession. It shall show—

(a) the opening stock on each day;

(b) the quantities and the brands of kerosene received on each day showing the names of the suppliers;

(c) the quantities sold, delivered, or otherwise disposed of on each day showing the names of the consumers;

(d) the closing stock on each day.

4. The Bounden shall submit to the Taluk Supply Officer, so as to reach him not later than every Monday, a true and correct return in the prescribed form of the stocks, receipts, deliveries and balance during the week ended on the previous Sunday.

5. The Bounden shall exhibit in a prominent position at his place of business a statement showing the following particulars in Malayalam.

STATEMENT

1. Name of Oil.
2. Price (per litre).
3. Opening stock on..............(date).

6. The Bounden shall not sell kerosene.
at a price which is in excess of the price fixed under the Kerosene (Fixation of Ceiling Prices) Order 1966.

7. The Bounden shall issue to every consumer a receipt giving the name, the licence number, the date of the transaction, the quantity sold, the rate at which sold, and the total amount charged, and shall keep a duplicate of the same to be available for inspection on demand by any officer authorised by the District Supply Officer.

8. The Bounden shall give all facilities at all reasonable hours to the District Collector or any officer of the Civil Supplies Department not below the rank of Rationing Inspector for the inspection of the accounts and stocks wheresoever they may be kept and for taking samples of kerosene for examination.

9. The Bounden shall comply with all directions that may be given to him by the District Collector, Controller, District Supply Officer or Taluk Supply Officer in regard to the purchase, sale or storage for sale or distribution of kerosene.

10. The Bounden shall not have in his possession or under his control any kerosene in excess of the net quantity revealed by his accounts.

11. Contravention of any of the conditions of the licence granted to him under clause 10 of the Kerala Kerosene Control Order, 1968 whether by the Bounden or his agent or servant or by any person who can reasonably be presumed to have been acting on his behalf will render the licence liable to cancellation, suspension or modification. From any order of cancellation, suspension or modification of the licence, an appeal shall lie within 30 days from the date of communication of such order, to (i) in case of an order passed by the Commissioner, to the Government, (ii) in the case of an order passed by the District Collector, to the Commissioner, (iii) in the case of an order passed by the District Supply Officer, to the District Collector and (iv) in the case of an order passed by the officer authorised by the Commissioner to such authority as the Government may specify in this behalf and the decision of the Government or the Commissioner, the District Collector or such authority, as the case may be, on such appeal shall, subject to the provisions of clause 18 of the Kerala Kerosene Control Order, 1968, be final.

12 When the licence granted to the Bounden is cancelled or suspended, the stocks of kerosene available with him at the time of such cancellation or suspension shall be disposed of in accordance with the directions of the officer ordering such cancellation or suspension.

13. The Bounden shall not sell any kerosene except to a person or institution holding a valid authority issued by the District Supply Officer or Taluk Supply Officer.

14. The Bounden shall not sell kerosene in quantities exceeding the limit for sale to each person or institution as prescribed from time to time.

15. The Bounden shall have in his possession ready for use in his business at least one measures whose capacity in litres is marked clearly upon it and which is of such capacity as to enable the dealer to measure out readily the quantities commonly asked for by the public, namely, one bottle, half-a-bottle or quarter-of-a-bottle. For the purpose of this clause a bottle means a bottle with the capacity of one litre.

16. If the Bounden desires to get the licence revoked on his own accord, one month's notice should be given to the District Supply Officer, and his permission in writing should be obtained.

Signed by Shri.....................................

In the presence of witnesses:—

(1)

(2)

Signed by Shri.....................................

In the presence of witnesses:—

(1)

(2)

GOVERNMENT OF KERALA

NOTIFICATIONS

I

No. 9138|C2|66-31|Fd.D. *Dated, Trivandrum, 10th January, 1968.*

In exercise of the powers conferred by sub-rule (2) read with sub-rules (3) and (9) of rule 125 of the Defence of India Rules, 1962 and of all other powers hereunto enabling the Government of Kerala hereby rescind the Kerala Kerosene Control Order, 1965. provided that such rescission shall not affect—

(a) the previous operation of the said Order or anything duly done or suffered thereunder; or,

(b) any right, privilege, obligation, or liability acquired, accrued or incurred under the said Order; or,

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Order; or,

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture, or punishment may be imposed as if the said Order has not been rescinded.

II

No. 9138|C2|66-32|Fd.D. *Dated, Trivandrum, 10th January 1968.*

Under sub-clause (3) of clause 1 of the Kerala Kerosene Control Order, 1968, the Government of Kerala hereby appoint the 10th day of January, 1968 as the date on which the said Order shall come into force throughout the State of Kerala.

III

No. 9138|C2|66-33|Fd.D. *Dated, Trivandrum, 10th January 1968.*

Under sub-clause (5) of clause 5 of the Kerala Kerosene Control Order, 1968, the Government of Kerala hereby prescribe that a sum of Rs. 200 (Rupees two hundred only) shall be remitted by every wholesale dealer as security under the said clause for the due performance of his work.

IV

No. 9138|C.2|66-34|Fd.D. *Dated, Trivandrum, 10th January 1968.*

In exercise of the powers conferred by sub-clause (2) (iii) of clause 6 of the Kerala Kerosene Control Order, 1968, the Government of Kerala hereby specify the authorities mentioned in column (1) of the schedule below to entertain and dispose of appeals from the original orders passed by the officers specified against each of them in column (2) thereof, namely —

SCHEDULE

(1)	(2)
1. Director of Civil Supplies	Controller of Rationing.
2. District Collector	(i) District Supply Officer. (ii) Chief City Rationing Officer.
3. Controller of Rationing	Deputy Controller of Rationing.
4. Chief City Rationing Officer	City Rationing Officer.
5. District Supply Officer	(i) Taluk Supply Officer. (ii) City Rationing Officer.

V

No. 9138|C.2|66-35|Fd.D. *Dated, Trivandrum, 10th January 1968.*

Under sub-clause (5) of clause 11 of the Kerala Kerosene Control Order, 1968, the Government of Kerala hereby prescribe that a sum of Rs. 50 (Rupees fifty only) shall be remitted by every retail dealer as security under the said clause for the due performance of his work.

VI

No. 9138|C.2|66-36|Fd.D. *Dated, Trivandrum, 10th January 1968.*

In exercise of the powers conferred by sub-clause (2) (iv) of clause 12 of the Kerala Kerosene Control Order, 1968, the Government of Kerala hereby specify the authorities mentioned in column (1) of the schedule below to entertain and dispose of appeals from

the original orders passed by officers specified against each of them in column (2) thereof, namely,—

SCHEDULE

	(1)	(2)
1.	Director of Civil Supplies	Controller of Rationing.
2.	Controller of Rationing.	Deputy Controller of Rationing.
3.	Chief City Rationing Officer	City Rationing Officer.
4.	District Supply Officer	(i) Taluk Supply Officer. (ii) City Rationing Officer.

By order of the Governor,

K. NARAYANAN,
Addl. Secretary to Government (Food).

BOARD OF REVENUE (CIVIL SUPPLIES)

NOTIFICATIONS

I

No. (CS)B5-24960|66-1.

Dated, Trivandrum, 10th January 1968.

In exercise of the powers conferred by sub-clause (1) of clause 6 of the Kerala Kerosene Control Order, 1968, I, M. Abdussalam, Commissioner of Civil Supplies, hereby authorise the Controller of Rationing, the Deputy Controllers of Rationing, the District Supply Officers, the Chief City Rationing Officer, the Taluk Supply Officers and the City Rationing Officers to exercise the powers under the said sub-clause within their respective jurisdictions.

II

No. (CS)B5-24960|66-2.

Dated, Trivandrum, 10th January 1968.

In exercise of the powers conferred by sub-clause (1) of clause 12 of the Kerala Kerosene Control Order, 1968, I, M. Abdussalam, Commissioner of Civil Supplies hereby authorise the Controller of Rationing, the Deputy Controllers of Rationing, the Taluk Supply Officers and the City Rationing Officers to exercise the powers under the said sub-clause, within their respective jurisdictions.

M. ABDUSSALAM,
Commissioner of Civil Supplies.

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